

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Criminal No.
03-10347-MLW

UNITED STATES OF AMERICA

v.

LUIS HUERTAS

INITIAL SCHEDULING ORDER

December 4, 2003

COHEN, M.J.

The above named defendant having been arraigned before this court on Thursday, December 4, 2003, and having elected to proceed under the automatic discovery rules, IT IS HEREBY ORDERED in accordance with Local Rules (LR) 116.1 through 116.5 that:

- A. Any discovery request letters shall be sent and filed by Thursday, January 15, 2004. See LR 116.3(A) and (H).
- B. Any responses to discovery request letters shall be sent and filed within fourteen (14) days of receipt of the discovery request letter(s) referred to in Paragraph A immediately above, or on or before Thursday, January 29, 2004, **whichever date shall first occur**. See LR 116.3(A).
- C. Any and all discovery motions shall, consistent with the provisions of LR

116.3(E) through 116.3(H), be filed on or before 14 days after receipt of the opposing party's declination to provide the requested discovery, **or** 14 days after the opposing party has received the discovery request letter and has failed to respond thereto, **whichever date shall first occur**. See LR 116.3(E) and (H).

- D. Response(s) to any motions shall be filed on or before fourteen (14) days after motions have been filed consistent with the provisions of Paragraph C immediately above. See LR 116.3(I).
- E. In the event that a defendant notifies the attorney for the government that the defendant intends to offer a plea of guilty, the attorney for the government shall forthwith notify this court of that fact by writing indicating the date that that notification was made to the attorney for the government.
- F. **An Initial Status Conference in accordance with LR 116.5 will be held on Thursday, January 15, 2004, at 3:15 p.m., in Courtroom No. 23 on the Seventh Floor.**¹
- G. **A joint memorandum addressing those items set forth in Local Rule 116.5(A)(1) through Local Rule 116.5(A)(7) shall be filed on or before the close of business, Friday, January 9, 2004.**



UNITED STATES MAGISTRATE JUDGE

¹ Defendants are not required to be present at the Initial Status Conference. Inasmuch as this court concludes that the Initial Status Conference is not a critical proceeding within the meaning of Rule 43, F.R. Crim. P., defendants in custody will **not** be transported to court for the Initial Status Conference absent a showing of exceptional cause on motion duly filed in advance of the Initial Status Conference, See 43(c)(3), F.R. Crim. P.

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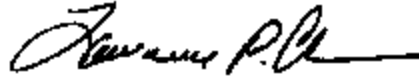
ORDER ON EXCLUDABLE TIME

December 4, 2003

COHEN, M.J.

The defendant(s) having elected to proceed under the Automatic Discovery Rules in accordance with Local Rules 116.1 through 116.5, and this court finding and concluding that the interests of justice--*i.e.*, in this case, to provide the parties additional time to develop their respective discovery plans and producing discovery under the automatic discovery process - outweighs the best interests of the public and defendant(s) for a trial within seventy days of the return of an indictment or filing of an information, it is hereby ORDERED that, pursuant to the provisions of 18 U.S.C. §3161(h)(8) and Section 6(b)(8) of the Plan for Prompt Disposition of Criminal Cases in the United States District Court for the District of Massachusetts (Statement of Time Limits Adopted by the Court and Procedures for Implementing Them, Effective July 1, 1980) and Local Rule 112.2(A)(2), the Clerk of this Court enter excludable time in the amount of twenty-

eight (28) days,¹ commencing Thursday, December 4, 2003, the date of the arraignment herein, and concluding Thursday, January 1, 2004.



UNITED STATES MAGISTRATE JUDGE

¹ This court further finds it to be in the interests of justice that, under Local Rule 112.2(A)(3), an additional order of excludable time in the amount of fourteen (14) days be entered upon the filing of a letter requesting discovery under Local Rule 116.3(A), so that the responding parties may appropriately develop their responses thereto. Absent further order of this court on motion duly filed, that additional order shall be deemed in effect and effective without the need of a further written order by this court on the date that a letter requesting discovery under Local Rule 116.3(A) is filed.